REMARKS

Claims 1-6 have been examined. Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) and claims 3-6 have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

Applicant thanks the Examiner for returning the PTO 1449 form for the October 18, 2004 Information Disclosure Statement. However, two of the foreign references that were cited in the International Search Report were crossed through rather than initialed. As set forth in the Application Transmittal Letter, it is assumed that copies of the references cited in the International Search Report would be supplied directly from the International Bureau. Based on the returned PTO 1449 form, however, Applicant assumes that the Examiner did not receive a copy of such documents. Accordingly, Applicant submits herewith copies of JP 2002-204600 and JP 2002-84672, along with English Abstracts and a clean PTO 1449 form. Applicant respectfully requests the Examiner to initial the remaining two documents.

II. Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,157,321 to Kato et al. ("Kato").

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites an f-V converter that obtains a voltage through f-V conversion by converting a frequency proportional to the rotational speed of the A.C. generator into the voltage.

The Examiner maintains that the impedance converter circuit 33 discloses the claimed f-V converter. However, the circuit 33 detects a voltage across the capacitor 322, where the capacitor 322 forms a part of the mean conduction rate detection circuit 32. As set forth in the reference, the mean conduction rate detection circuit 32 is inserted between the fielding winding 63 (alleged field coil) and the output transistor 39 (alleged switching element) (col. 13, lines 43-47). Accordingly, the circuit 33 does not *convert a frequency proportional to the rotational speed of the A.C. generator*, as recited in claim 1.

In view of the above, Applicant submits that claim 1 is not anticipated by the Kato reference, and therefore, respectfully requests the Examiner to withdraw the rejection of claim 1.

B. Claim 2

Claim 2 has been canceled, without prejudice or disclaimer, and has been incorporated into claim 1. Accordingly, Applicant refers the Examiner to the comments presented above.

III. Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 3-6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kato in view of U.S. Patent No. 2,075,733 to M. Lazarus ("Lazarus").

A. Claim 3

Applicant submits that claim 3 is patentable over the cited references. For example, claim 3 recites that the conduction rate controller further comprises a temperature detection means for detecting a temperature of a predetermined position of the A.C. generator.

The Examiner acknowledges that Kato fails to disclose the above feature, but contends that Lazarus does. Lazarus merely discloses thermo-sensitive resistance elements for circuits for use in fire protection, radio devices, moving pictures, etc. (col. 1, lines 1-10). There is no teaching or suggestion, in Lazarus, of providing the thermo-sensitive resistance element on a controller for an A.C. generator, or that such thermo-sensitive resistance element would operate an f-V converter once a temperature is equal to or higher than a predetermined temperature, as recited in claim 3. Kato likewise fails to teach or suggest the application of a thermo-resistance element of Lazarus in its charging control apparatus for a vehicle.

"[O]bviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination." *In re Geiger*, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987) (citing *ACS Hosp. Sys. v. Montefiore Hosp* ., 221 USPQ 929, 933 (Fed. Cir. 1984). As the proffered motivation for modifying Kato's apparatus, the Examiner maintains that it would have been obvious to one of ordinary skill in the art to use the thermo-sensitive device of Lazarus on the charging control apparatus of Kato "for the purpose of detecting temperature differences." (pgs. 3 and 4 of Office Action). However, there is no suggestion provided in either reference of the need for the detection of temperature differences in an A.C. generator. Kato is directed towards *rotational*

speed of an A.C. generator. Since Lazarus fails to disclose the use of a thermo-sensitive device in a type of A.C. generator or even suggest potential benefits of such use in similar devices, Applicant submits that the motivation provided by the Examiner is wholly unsupported.

In view of the above, even if Applicant assumes *arguendo* that Lazarus discloses a similar temperature detection means as set forth in claim 3, the Examiner appears to be using impermissible hindsight reasoning when maintaining that one skilled in the art would modify Kato with Lazarus, since both references are devoid of such a suggestion, and there is no teaching to support the alleged motivation.

B. Claims 4-6

Since claims 4-6 are dependent upon claim 3 and indirectly dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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